

**Remarks/Arguments:**

**Drawing Objections**

The Office Action objects to certain of the substitute drawings submitted on June 21, 2004. More specifically, the Office Action provides that new matter was presented in Figs. 3, 4, 5A, 5B, and 6. Applicant contends that no new matter was presented in these drawings for the following reasons, and respectfully requests withdrawal of the drawings objections.

One embodiment or specific orientation and location of the hasp 20 and respective aperture 41 in the access door 40 or cover 40 was illustrated in the originally submitted informal drawings. Another embodiment was also illustrated in the later submitted formal drawings. These are two of multiple configurations of the hasp and aperture, all of which are intended to be within the scope of the pending claims. Where inventive subject matter may be illustrated through different embodiments and different drawings, and in which all of those embodiments are within the scope of the pending claims, then the different drawings do not introduce or provide new matter. Applicant accordingly requests that the drawing rejections be withdrawn. If further explanation of the different embodiments would assist to clarify this issue, Applicant respectfully requests that the Examiner contact the undersigned counsel for such information.

**Claim Informality Objections**

Claims 5 and 6 have been amended to address and correct the informalities noted within the Office Action regarding antecedent basis and a typographical error. Claims 5 and 6 should be dependent upon claim 2, not claim 1.

**35 U.S.C. § 102(b) Rejections**

Claims 1 through 16 remain pending in this application. Claims 1, 2, 5, 6, 9, and 16 have been amended.

The non-final Office Action rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by either the Garner reference, U.S. Patent No. 6,463,769, or the Linder reference, U.S. Patent No. 3,990,182. Claim 1 has been amended to specifically disclose that the protective shroud has openings at both opposing ends as shown in Figs. 1, 2, and 4. The

protective shroud accordingly forms a channel configuration as described in the specification at pages 9 through 10. With this amendment and clarification, Applicant respectfully contends that neither Garner nor Linder anticipate claim 1 as amended.

More particularly, claim 1 as amended, describes a protective shroud that is not disclosed or suggested by Garner or Linder. Indeed, both Garner and Linder teach away from the protective shroud of the present invention. Garner specifically describes that the "top plate 28 is secured to both the back plate 12, the side plates 20 and 26, and the front plate 22. *Thus, the box or housing or enclosure 19 is open only at the bottom.*" Garner, col. 3, lines 2 through 5 (emphasis added). Figure 1 of Garner vividly shows that the box is only open at one end.

Similarly, Linder describes that the "protector portion 34 is of an unusual geometric shape in that it forms an angulated section cut from a cylinder." Linder, col. 4, lines 17 through 20. Figs. 1, 2, and 3 of Linder show that there is only an opening at one end of the protector portion 34 unlike the present invention protective shroud. Neither Garner nor Linder disclose, describe, illustrate, show, or suggest in any manner a protective cover that has an opening at both ends of the cover.

Accordingly, Applicant respectfully contends that neither Garner nor Linder anticipate or render obvious pending claim 1 as amended, and accordingly requests withdrawal of the noted rejections based upon Garner or Linder.

### 35 U.S.C. § 103(a) Rejections

The Office Action rejected claims 2 through 16 under 35 U.S.C. § 103(a) as allegedly being rendered obvious and unpatentable over Garner (noted above), Linder (noted above) or White (U.S. Patent No. 1,473,001), each respectively in view other prior patents, including Hillabush, Gregory, Oliver, Braxter, Masoncup, or Daoud.

As argued above, neither Garner nor Linder disclose, show or suggest in any manner necessary claimed element of the pending invention protective shroud, that the shroud be open at opposite ends. Applicant notes that White discloses a switch box comprising a body and movable cover. Indeed, the Office Action cites to White as showing an access door, hasp, aperture and lock, but refers to Garner for the protective cover element. Accordingly, White

does not disclose or suggest any protective cover, and surely does not teach a protective cover as shown and claimed in the pending application.

After a detailed review of Hillabush, Gregory, Oliver, Braxter, Masoncup and Daoud, Applicant contends that none of these prior patents illustrates, shows, teaches, describes or suggests in any fashion a protective cover or shroud as claimed in the present invention with openings at opposite ends of the cover. Accordingly, Applicant respectfully contends that no combination of Garner, Linder, or White with any of Hillabush, Gregory, Oliver, Braxter, Masoncup or Daoud, renders obvious the pending claims as amended. Applicant accordingly requests withdrawal of the 103(a) rejections.

## **Conclusion**

By this Response, original claims 1 through 16 have been amended to place the application in better condition for examination and allowance. Entry of this Response is requested. Applicant contends that with the noted amendments, this application is now in a condition for allowance. Applicant respectfully requests early consideration and allowance of this application as amended.

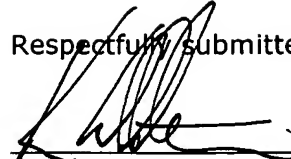
For the foregoing reasons and arguments, amended claims 1, 2, 9, 16 are in condition for allowance and would not have been obvious to a person of ordinary skill in the art at the time of the invention in view of the applied reference. Because claims 3 through 8, and 10 through 15 are directly or indirectly depend from claims 1, 2, or 9, they are also patentable. *See, e.g., In re McCarn*, 101 USPQ 411, 413 (CCPA 1954) ("sound law" requires allowance of dependent claims when their antecedent claims are allowed).

Finally, the Examiner is invited to call the applicant's undersigned representative if any further action will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

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Response to Office Action of September 13, 2004

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Respectfully submitted,



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